

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DONALD A. NEWELL, JR.,

Plaintiff,

ORDER

v.

Case No. 15-cv-616-bbc

MS. BRIDGET RUMPHOL, et al.

Defendants.

DONALD A. NEWELL, JR.,

Plaintiff,

ORDER

v.

Case No. 15-cv-617-bbc

CITY OF CHIPPEWA FALLS, WI, et al.

Defendants.

Plaintiff Donald A. Newell, Jr., a prisoner in the custody of the Wisconsin Department of Corrections, has submitted two proposed civil actions under 42 U.S.C. § 1983. Plaintiff has filed a certified copy of an inmate trust fund account statement in support of the motion for leave to proceed without prepaying the fee. After considering the motion and supporting documentation, the court concludes that plaintiff qualifies for indigent status.

Even when a prisoner litigant qualifies for indigent status, the prisoner litigant must pay a portion of the fee returned by the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from plaintiff's trust fund account statement, I conclude plaintiff's initial partial filing fee to be \$179.26 for each case. For plaintiff's two cases to proceed, plaintiff must submit these amounts on or before October 19, 2015.

If plaintiff does not have enough money to make the initial partial payments from plaintiff's regular account, plaintiff should arrange with prison authorities to pay the remainder from plaintiff's release account.

ORDER

IT IS ORDERED that,

1. Plaintiff Donald A. Newell, Jr. is assessed \$179.26 as an initial partial payment of the \$350.00 fee for filing case number 15-cv-616-bbc. Plaintiff is to submit a check or money order made payable to the clerk of court in the amount of \$179.26 or advise the court in writing why plaintiff is not able to submit the assessed amount on or before October 19, 2015.

2. Plaintiff Donald A. Newell, Jr. is assessed \$179.26 as an initial partial payment of the \$350.00 fee for filing case number 15-cv-617-bbc. Plaintiff is to submit a check or money order made payable to the clerk of court in the amount of \$179.26 or advise the court in writing why plaintiff is not able to submit the assessed amount on or before October 19, 2015.

3. If, by October 19, 2015, plaintiff fails to make the initial partial payments or show cause for failure to do so, plaintiff will be held to have withdrawn these actions voluntarily and the cases will be closed without prejudice to plaintiff's filing these cases at a later date.

4. No further action will be taken in these cases until the clerk's office receives plaintiff's initial partial filing fees as directed above and the court has screened each

complaint as required by the PLRA, 28 U.S.C. § 1915A. Once the screening process is complete, a separate order will issue.

Entered this 24th day of September, 2015.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge